

REMARKS

After entry of this Amendment, the pending claims are: claims 1-38. The Office Action dated April 11, 2007 has been carefully considered. Claim 6 has been amended without prejudice. Claims 39-42 have been canceled as being directed to a non-elected invention, Applicants hereby explicitly reserve the right to file continuation and/or divisional applications to protect these inventions. Claims 3-5, 10, 20-24 and 34-38 have been withdrawn as being directed to a non-elected species. No new matter has been added. Reconsideration and allowance of the present application in view of the above Amendments and the following Remarks is respectfully requested.

In the Office Action dated April 11, 2007, the Examiner:

- Restricted the application to one of the following inventions as required under 35 U.S.C. 121:
 - I. Claims 1-38, drawn to a tool/bone plat, tool and fastener system.
 - II. Claims 39-42, drawn to a method of removing a fastener from a bone and/or plate.
- In the case where the Applicants elect prosecution of invention I, the Examiner further required election of one of the following tool species:
 - A. Figs. 1a-1b
 - B. Figs. 10a-10c
 - C. Figs. 11a-11b
 - D. Fig. 12

- The Applicant further required election of one of the following plate sub-species:
 - A. Figs. 7a-7b
 - B. Figs. 9a-9e
- The Applicant further requires election of one of the following fastener sub-species:
 - A. Figs. 4a-4c
 - B. Figs. 9a-9e

RESTRICTION ELECTION

Applicants elect invention I – as recited in claims 1-38 - for prosecution in this application. Claims 39-42 have been canceled from the present application. Applicants explicitly reserve the right to file continuation and/or divisional applications to protect invention II – as recited in claims 39-42.

SPECIES ELECTION

In addition, Applicants provisionally elect tool species A – as depicted in Figs. 1a-1b - for prosecution in this application. Applicant explicitly reserves the right to file continuation and/or divisional applications to protect species:

- B. Figs. 10a-10c
- C. Figs. 11a-11b, and

D. Fig. 12

In addition, Applicants provisionally elect plate sub-species A – as depicted in Figs. 7a-7b - for prosecution in this application. Applicant explicitly reserves the right to file continuation and/or divisional applications to protect species B – as depicted in Figs. 9a-9e.

In addition, Applicants provisionally elect fastener sub-species A – as depicted in Figs. 4a-4c - for prosecution in this application. Applicant explicitly reserves the right to file continuation and/or divisional applications to protect species B – as depicted in Figs. 9a-9e.

Applicant believes that pending claims 1, 2, 6-9, 11-19, and 25-33 are readable on the elected species. Claims 3-5, 10, 20-24 and 34-38 have been withdrawn as being directed to a non-elected species. Applicants provisionally elect tool species A, plate sub-species A, and fastener sub-species A with the understanding that the claims shall be restricted to these species if no claim that is generic is finally held to be allowable. Applicants believe that, at least, claim 1 and 25 are generic to all species.

CONCLUSION

No fee is believed due for this submission. If, however, the Commissioner determines otherwise, the Commissioner is authorized to charge any fees which may now or hereafter be due in this application to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

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Respectfully submitted,

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